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**IDAPA 58
TITLE 01
CHAPTER 01**

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

005. DEFINITIONS.

The purpose of Sections 005 through 008 is to assemble definitions used throughout this chapter. (5-1-94)

006. GENERAL DEFINITIONS.

32. Emissions Unit.

a. For purposes of [BART Requirements for Regional Haze Rule xxx];

i. In the case of an electric generating unit, a fossil fuel fired combustion device;

ii. In the case of all other sources, all equipment which collectively function to produce an intended product.

b. For all other purposes, an identifiable piece of process equipment or other part of a facility which emits or may emit any air pollutant. This definition does not alter or affect the term “unit” for the purposes of 42 U.S.C. Sections 7651 through 7651o. (5-1-94)

XX. Baseline Condition. *still need definition.*

XX Best Available Retrofit Technology (BART). ~~Means an~~An emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and non-air quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. **(40CFR51.301)**

XX BART-eligible ~~source~~Source. Any of the following stationary sources of air pollutants, including any reconstructed source, which was not in operation prior to August 7, 1962, and was in existence on August 7, 1977, and has the potential to emit 250 tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted. ~~This shall be determined using the criteria in Section II of Appendix Y of 40 CFR Part 51 in effect on July 6, 2005.~~ **(40CFR51.301)**

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- a.** Fossil-fuel fired steam electric plants of more than two hundred fifty (250) million BTU's per hour heat input;
- b.** Coal cleaning plants (thermal dryers);
- c.** Kraft pulp mills;
- d.** Portland cement plants;
- e.** Primary zinc smelters;
- f.** Iron and steel mill plants;
- g.** Primary aluminum ore reduction plants;
- h.** Primary copper smelters;
- i.** Municipal incinerators capable of charging more than two hundred and fifty (250) tons of refuse per day;
- j.** Hydrofluoric, sulfuric, and nitric acid plants;
- k.** Petroleum refineries;
- l.** Lime plants;
- m.** Phosphate rock processing plants;
- n.** Coke oven batteries;
- o.** Sulfur recovery plants;
- p.** Carbon black plants (furnace process);
- q.** Primary lead smelters;
- r.** Fuel conversion plants;
- s.** Sintering plants;
- t.** Secondary metal production facilities;
- u.** Chemical process plants;
- v.** Fossil-fuel boilers of more than two hundred and fifty (250) million BTU's per hour heat input;
- w.** Petroleum storage and transfer facilities with a capacity exceeding three hundred thousand (300,000) barrels;
- x.** Taconite ore processing facilities;
- y.** Glass fiber processing plants; and

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z. Charcoal production facilities.

XX. **Cause Visibility Impairment.** ~~An individual source, or group of sources,~~ The visibility impact of a BART-eligible Source that ~~cause~~ results in a 1.0 deciview or more change in visibility. **(40CFR5 Appendix Y, Section III A.1.))**

XX. **Contributes to Visibility Impairment.** ~~An individual source, or group of sources,~~ The visibility impact of a BART-eligible Source that ~~cause~~ results in a 0.5 deciview or more change in visibility. **(40CFR5 Appendix Y, Section III A.1.))**

XX. **Deciview.** A measurement of visibility impairment. A deciview is a haze index derived from calculated light extinction, such that uniform changes in haziness correspond to uniform incremental changes in perception across the entire range of conditions, from pristine to highly impaired. The deciview haze index is calculated based on the following equation (for the purposes of calculating deciview, the atmospheric light extinction coefficient must be calculated from aerosol measurements): **(40CFR51.301)**

~~a-~~ **Deciview Haze Index** = $10 \ln_e (b_{\text{ext}}/10 \text{Mm}^{-1})$

Where b_{ext} = the atmospheric light extinction coefficient, expressed in inverse megameters (Mm^{-1})

XX. **Least Impaired Days.** The average visibility impairment (measured in deciviews) for the twenty percent (20%) of monitored days in a calendar year with the lowest amount of visibility impairment. **(40CFR51.301)**

XX. **Most Impaired Days.** The average visibility impairment (measured in deciviews) for the twenty percent (20%) of monitored days in a calendar year with the highest amount of visibility impairment. **(40CFR51.301)**

XX. **Natural Conditions.** Includes naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration. **(40CFR51.301)**

XX. **Reasonable Progress Goal.**

XX. **Reasonably Attributable.** Attributable by visual observation or any other technique the Department deems appropriate. **(40CFR51.301)**

XX. **Regional Haze.** Visibility impairment that is caused by the emission of air pollutants from numerous sources located over a wide geographic area. Such sources include, but are not limited to, major and minor stationary sources, mobile sources, and area sources. **(40CFR51.301)**

XX. **Uniform Rate of Progress.**

107. INCORPORATIONS BY REFERENCE.

01. **General.** Unless expressly provided otherwise, any reference in these rules to any document identified in Subsection 107.03 shall constitute the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term “documents” includes codes,

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standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (5-1-94)

03. Documents Incorporated by Reference. The following documents are incorporated by reference into these rules: (5-1-94)

d. Requirements for Preparation, Adoption, and Submittal of Implementation Plans, Protection of Visibility Identification of Integral Vistas, Subsection a, 40 CFR Part ~~51300—308~~, 51.304(a), revised as of July 1, 2004. (4-6-05)

~~**X.** Requirements for Preparation, Adoption, and Submittal of Implementation Plans; Appendix Y to Part 51—Guidelines for BART Determinations Under the Regional Haze Rule. 40 CFR Parts 51 and 52 revised as of xxxx.~~

203. PERMIT REQUIREMENTS FOR NEW AND MODIFIED STATIONARY SOURCES.

No permit to construct shall be granted for a new or modified stationary source unless the applicant shows to the satisfaction of the Department all of the following: (5-1-94)

01. Emission Standards. The stationary source or modification would comply with all applicable local, state or federal emission standards. (5-1-94)

02. NAAQS. The stationary source or modification would not cause or significantly contribute to a violation of any ambient air quality standard. (5-1-94)

XX. Effect on Visibility. If the stationary source or modification is located within XX kilometers of any Federal Class I area, Class I area designated by the Department, or integral vista of a mandatory federal Class I area, the effect on visibility by the new facility or modification is consistent with making reasonable progress toward the established reasonable progress goals as identified for individual federal Class I areas. This will be determined on a case-by-case basis taking into consideration the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance and the useful life of the source. Any integral vista which the Federal Land Manager has not identified at least six (6) months prior to the submittal of a complete application, or which the Department determines was not identified in accordance with the criteria adopted pursuant to 40 CFR Part 51.304(a), may be exempted from this requirement by the Department. *(Yellow original text copied from 58.01.01.204.d and the insert is from 40 CFR 51.307(c))*

03. Toxic Air Pollutants. Using the methods provided in Section 210, the emissions of toxic air pollutants from the stationary source or modification would not injure or unreasonably affect human or animal life or vegetation as required by Section 161. Compliance with all applicable toxic air pollutant carcinogenic increments and toxic air pollutant non-carcinogenic increments will also demonstrate preconstruction compliance with Section 161 with regards to the pollutants listed in Sections 585 and 586. (6-30-95)

204. PERMIT REQUIREMENTS FOR NEW MAJOR FACILITIES OR MAJOR MODIFICATIONS IN NONATTAINMENT AREAS.

New major facilities or major modifications proposed for location in a nonattainment area and which would be major for the nonattainment regulated air pollutant are considered nonattainment new source review (NSR) actions and are subject to the requirements in Section 204. Section 202 contains application requirements and Section 209

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contains processing requirements for nonattainment NSR permitting actions. The intent of Section 204 is to incorporate the federal nonattainment NSR rule requirements. (4-6-05)

01. Incorporated Federal Program Requirements. Requirements contained in the following subparts of 40 CFR 51.165, revised as of July 1, 2004, are hereby incorporated by reference. Requirements contained in the following subparts of 40 CFR 52.21, revised as of July 1, 2004, are hereby incorporated by reference. These CFR sections have been codified in the electronic CFR which is available at www.gpoaccess.gov/ecfr.

40 CFR Reference	40 CFR Reference Title
40 CFR 51.165(a)(1)	Definitions
40 CFR 51.165(a)(2)(ii)(A) - (J)	Applicability Provisions
40 CFR 51.165(a)(6)(i) - (v)	Applicability Provisions
40 CFR 51.165(c)	Clean Unit Test for Emission Units that are Subject to LAER
40 CFR 51.165(d)	Clean Unit Provisions for Emission Units that Achieve an Emission Limitation Comparable to LAER
40 CFR 52.21(z)(1) - (3) and (6)	PCP Exclusion Procedural Requirements
40 CFR 52.21(aa)	Actual PALs

(4-6-05)

02. Additional Requirements. The applicant must demonstrate to the satisfaction of the Department the following: (4-6-05)

a. LAER. Except as otherwise provided in Section 204, the new major facility or major modification would be operated at the lowest achievable emission rate (LAER) for the nonattainment regulated air pollutant, specifically: (4-6-05)

i. A new major facility would meet the lowest achievable emission rate at each new emissions unit which emits the nonattainment regulated air pollutant; and (4-5-00)

ii. A major modification would meet the lowest achievable emission rate at each new or modified emissions unit which has a net emissions increase of the nonattainment regulated air pollutant. (4-5-00)

b. Required offsets. Allowable emissions from the new major facility or major modification are offset by reductions in actual emissions from stationary sources, facilities, and/or mobile sources in the nonattainment area so as to represent reasonable further progress. All offsetting emission reductions must satisfy the requirements for emission reduction credits (Section 460) and provide for a net air quality benefit which satisfies the requirements of Section 208. If the offsets are provided by other stationary sources or facilities, a permit to construct shall not be issued for the new major facility or major modification until the offsetting reductions are made enforceable through the issuance of operating permits. The new major facility or major modification may not commence operation, and an operating permit for the new major facility or major modification shall not be effective before the date the offsetting reductions are achieved. (4-5-00)

c. Compliance status. All other sources in the State owned or operated by the applicant, or by any entity controlling, controlled by or under common control with such person, are in compliance with all applicable emission limitations and standards or subject to an enforceable compliance schedule. (5-1-94)

d. Effect on visibility. The effect on visibility of any federal Class I area, Class I area designated by the Department, or integral vista of a mandatory federal Class I area, by the new major facility or major modification is consistent with making reasonable progress toward the established reasonable progress goals as

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identified for individual federal Class I areas. This will be determined on a case-by-case basis taking into consideration the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance and the useful life of the source. Any integral vista which the Federal Land Manager has not identified at least six (6) months prior to the submittal of a complete application, or which the Department determines was not identified in accordance with the criteria adopted pursuant to 40 CFR Part 51.304(a), may be exempted from Section 204 by the Department. (4-6-05)

(YELLOW IS ORIGINAL TEXT AND THE INSERT IS FROM 40 CFR 51.307(C))

03. Nonmajor Requirements. If the proposed action meets the requirements of an exemption or exclusion under the provisions of 40 CFR 51.165 or 40 CFR 52.21 incorporated in Section 204, the nonmajor facility or stationary source permitting requirements of Sections 200 through 228 apply, including the exemptions in Sections 220 through 223. (4-6-05)

205. PERMIT REQUIREMENTS FOR NEW MAJOR FACILITIES OR MAJOR MODIFICATIONS IN ATTAINMENT OR UNCLASSIFIABLE AREAS.

The prevention of significant deterioration (PSD) program is a construction permitting program for new major facilities and major modifications to existing major facilities located in areas in attainment or in areas that are unclassifiable for any criteria air pollutant. Section 202 contains application requirements and Section 209 contains processing requirements for PSD permit actions. The intent of Section 205 is to incorporate the federal PSD rule requirements. (4-6-05)

01. Incorporated Federal Program Requirements. Requirements contained in the following subparts of 40 CFR 52.21, revised as of July 1, 2004, are hereby incorporated by reference. These CFR sections have been codified in the electronic CFR which is available at www.gpoaccess.gov/ecfr.

40 CFR Reference	40 CFR Reference Title
40 CFR 52.21(a)(2)	Applicability Procedures
40 CFR 52.21(b)	Definitions
40 CFR 52.21(i)	Review of Major Stationary Sources and Major Modifications - Source Applicability and Exempting
40 CFR 52.21(j)	Control Technology Review
40 CFR 52.21(k)	Source Impact Analysis
40 CFR 52.21(r)	Source Obligation
40 CFR 52.21(v)	Innovative Control Technology
40 CFR 52.21(w)	Permit Rescission
40 CFR 52.21(x)	Clean Unit Test
40 CFR 52.21(y)	Clean Unit Provisions for Emissions Units that Achieve an Emission Limit Comparable to BACT
40 CFR 52.21(z)(1) - (3) and (6)	PCP Exclusion Procedural Requirements
40 CFR 52.21(aa)	Actual PALS

(4-6-05)

02. Exception to Incorporation by Reference of 40 CFR 52.21. Every use of the word Administrator in 40 CFR 52.21 means the Department except for the following: (4-6-05)

a. In 40 CFR 52.21(b)(17), the definition of federally enforceable, Administrator means the EPA Administrator. (4-6-05)

b. In 40 CFR 52.21(l)(2), air quality models, Administrator means the EPA Administrator. (4-6-05)

c. In 40 CFR 52.21(b)(43), permit program approved by the Administrator, Administrator means the EPA Administrator. (4-6-05)

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d. In 40 CFR 52.21(b)(48)(ii)(c), MACT standard that is proposed or promulgated by the Administrator, Administrator means the EPA Administrator. (4-6-05)

e. In 40 CFR 52.21(b)(50)(i), regulated NSR pollutant as defined by Administrator, Administrator means the EPA Administrator. (4-6-05)

f. In 40 CFR 52.21(y)(4)(i), Administrator for BACT, LAER and RACT clearinghouse, Administrator means the EPA Administrator. (4-6-05)

03. Nonmajor Requirements. If the proposed action meets the requirements of an exemption or exclusion under the provisions of 40 CFR 52.21 incorporated in Section 205, the nonmajor facility or stationary source permitting requirements of Sections 200 through 228 apply, including the exemptions in Sections 220 through 223. (4-6-05)

XX. Effect on visibility. The effect on visibility of any federal Class I area, Class I area designated by the Department, or integral vista of a mandatory federal Class I area, by the new major facility or major modification is consistent with making reasonable progress toward the established reasonable progress goals as identified for individual federal Class I areas. This will be determined on a case-by-case basis taking into consideration the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance and the useful life of the source. Any integral vista which the Federal Land Manager has not identified at least six (6) months prior to the submittal of a complete application, or which the Department determines was not identified in accordance with the criteria adopted pursuant to 40 CFR Part 51.304(a), may be exempted from this requirement by the Department.
(Yellow original text copied from 58.01.01.204.d and the insert is from 40 CFR 51.307(c))

577. AMBIENT AIR QUALITY STANDARDS FOR SPECIFIC AIR POLLUTANTS.

578. DESIGNATION OF ATTAINMENT, UNCLASSIFIABLE, AND NONATTAINMENT AREAS.

579. BASELINES FOR PREVENTION OF SIGNIFICANT DETERIORATION.

580. CLASSIFICATION OF PREVENTION OF SIGNIFICANT DETERIORATION AREAS.

581. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) INCREMENTS.

582. INTERIM CONFORMITY PROVISIONS FOR NORTHERN ADA COUNTY FORMER NONATTAINMENT AREA FOR PM-10.

583. -- 584. (RESERVED).

XXX. REGIONAL HAZE RULES.

The purpose of Sections XXX through XXX is to ensure that reasonable progress is made toward the established reasonable progress goals as identified for each individual Class I federal area.

XXX. BART REQUIREMENT FOR REGIONAL HAZE

The purpose of this Section is to implement the BART requirements in 51.308(e).

01. Incorporated Federal Program Recommendations. Recommendations contained in the following Sections of Appendix Y to 40 CFR 51—Guidelines for BART Determinations under the Regional Haze Rule revised as of July 15, 2005, are hereby incorporated by reference. These Appendix Y sections have been codified in the electronic CFR which is available at www.gpoaccess.gov/ecfr.

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Appendix Y Reference	Appendix Y Reference Title
II	How to Identify BART-eligible Sources
III	How to Identify Sources "Subject to BART"
IV	The BART Determination: Analysis of BART Options
V	Enforceable Limits/Compliance Date

02. BART Applicability. ~~BART-eligibility shall be determined using Section II of Appendix Y to 40 CFR 51—Guidelines for BART Determinations under the Regional Haze Rule.~~

- a. Each BART-eligible source that emits any air pollutant which may reasonably be anticipated to cause or contribute to visibility impairment as defined in Section 006 in any mandatory Class I Federal area is subject to BART. **40CFR51.308(e)(1)(ii)** This shall be determined using the criteria in Section III of Appendix Y to 40 CFR 51—Guidelines for BART Determinations under the Regional Haze Rule,
- b. Air pollutants emitted by sources which may reasonably be anticipated to cause or contribute to visibility in any mandatory Class I Federal area are NO_x, SO₂, particulate matter (PM), ammonia and ammonia compounds, and VOCs. Ammonia, ammonia compounds, and VOCs will be included if the emissions from a source are likely to have an impact on visibility in an area. **(40CFR51 Appendix Y Section II, Step 3)**
- c. The owner or operator of a BART-eligible source may request a waiver from the Department that a BART determination is not required:
 - i. For SO₂ or for NO_x if the BART-eligible source has the potential to emit less than 40 TPY of such pollutant(s), or
 - ii. For PM₁₀ if the BART-eligible source has the potential to emit less than 15 TPY.

03. BART Determination. The owner or operator of a BART-eligible source that emits any air pollutant which causes or contributes to visibility impairment, as defined in Section 006, in any mandatory Class I Federal area shall have established emissions limitations by the application of BART. **40CFR51.308(e)(1)(ii)(A)**

- a. The determination of BART shall be completed using the criteria in Section IV of Appendix Y to 40 CFR 51—Guidelines for BART Determinations under the Regional Haze Rule,
- b. After the level of control that represents BART is determined, an emission limit representing this level of control must be established using the criteria in Section V of Appendix Y to 40 CFR 51—Guidelines for BART Determinations under the Regional Haze Rule,
- c. The owner or operator of each BART-eligible source subject to BART shall obtain a [Tier II?](#) permit that requires the installation and operation of BART no later than 5 years after EPA approves the Idaho Regional Haze State Implementation Plan. **40CFR51(e)(iv)**
- d. The owner or operator of each source subject to BART shall maintain the control equipment required by this Section and establish procedures to ensure such equipment is properly and continuously operated and maintained. **40CFR51(e)(v)**

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- ~~e. The owner or operator of any BART-eligible source that emits any air pollutant which causes or contributes to visibility impairment in any mandatory Class I Federal area must provide a BART analysis at such times, as determined by the Director, as new technology for control of the pollutant becomes reasonably available if:~~
 - ~~i. the pollutant is emitted by that BART-eligible source; and~~
 - ~~ii. controls representing BART for the pollutant have not previously been required under this Section;~~

04. Exemption from BART Requirements. (40CFR51.303)

- a. The owner or operator of any BART-eligible source subject to the requirements of this Section to install, operate, and maintain BART may apply to the EPA Administrator for exemption from that requirement.
- b. Should the owner or operator of a BART-eligible source wish to apply for exemption as provided for in 40CFR51.303, such application must be accompanied by a written concurrence from the Director.

XXX. REASONABLE PROGRESS GOALS

The purpose of this section is to develop the authority to determine the reasonable progress goals for each Class I federal area in the Regional Haze SIP and to be able to regulate and enforce on them.

XXX. OTHER CONTROL MEASURES FOR REGIONAL HAZE – This is a placeholder for any other requirements.